

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

LeCHASE CONSTRUCTION SERVICES, LLC,

Plaintiff,

NOTICE OF REMOVAL

v.

Case No.:

UNITED STRUCTURES OF AMERICA, INC.,
and ARGONAUT INSURANCE COMPANY,

Defendants.

PLEASE TAKE NOTICE that, pursuant to provisions of Sections 1441 and 1446 of Title 28 of the United States Code, United Structures of America, Inc. ("USA"), by its attorneys Phillips Lytle LLP, removes this action, alleging upon information and belief:

1. USA is the defendant in the civil action brought on July 20, 2020, in the Supreme Court of Monroe County, New York in which the action is pending.
2. The grounds for removal of this action are:
 - a. On July 20, 2020, plaintiff LeChase Construction Services, LLC filed a Complaint in the Supreme Court of Monroe County, New York, Index No. E2020004930.
 - b. There is complete diversity of citizenship between the plaintiff and defendants in this action because:
 - i. The plaintiff is a limited liability company organized under the laws of the state of New York with its principal place of business in Rochester, New York.

ii. Defendant USA is a corporation organized and incorporated under the laws of the state of Texas, with its principal place of business in Houston, Texas.

iii. Defendant Argonaut Insurance Company (“Argo”) is a corporation organized and incorporated under the laws of the state of Illinois, with its principal place of business in Chicago, Illinois.

3. More than \$75,000, exclusive of interest and costs, is in controversy in this action. This court would have had original jurisdiction of this action under the provisions of 28 U.S.C. § 1332 if the action had originally been brought in federal court. Removal is, therefore, proper under 28 U.S.C. § 1441(a).

4. Removal of this case on the basis of diversity of citizenship is not precluded by the provisions of Section 1441(b) of Title 28 of the United States Code because none of the parties in interest properly joined and served as a defendant is a citizen of New York, the State in which this action was brought.

5. This Notice of Removal is timely under Section 1446(b) of Title 28 of the United States Code because the plaintiff’s Complaint in this action was served on USA on October 2, 2020. This Notice of Removal is filed within 30 days of receipt of the plaintiff’s Complaint, and within one year of the commencement of the action, so that it is timely filed under 28 U.S.C. § 1446(b).

6. Defendant Argo has consented to this removal as indicated by signature below.

7. Copies of all pleadings, process, and other filings in the state-court suit are attached to this notice as required by 28 U.S.C. § 1446(a) as **Exhibit A**.

8. Defendant will promptly file a copy of this notice of removal with the clerk of the state court where the suit has been pending.

9. Defendant did not yet make a jury demand in the state-court action.

10. For these reasons, USA asks the Court to remove the suit to the United States District Court for the Western District of New York.

Dated: Rochester, New York
October 30, 2020

PHILLIPS LYTLE LLP

By: /S/ Chad W. Flansburg
Chad W. Flansburg
Attorneys for Defendants
United Structures of America, Inc. and
Argonaut Insurance Company
28 East Main Street, Suite 1400
Rochester, New York 14614
Telephone No. (585) 238-2000
cflansburg@phillipslytle.com

CONSENTED TO BY:

Argonaut Insurance Company

PHILLIPS LYTLE LLP, as attorneys
and authorized agents of Argonaut Insurance Company

By: /S/ Chad W. Flansburg
Chad W. Flansburg
Attorneys for Defendants